

Remarks

No amendments have been made to the claims pending in this application.  
Claims 21-40 remain pending in this application.

The Applicant believes that it will be useful to review the invention recited in the claims pending in this application. As recited most clearly in claim 1, one aspect of the invention is "A sound system for a spa," for example, for a hot tub. According to this aspect of the invention, the sound system includes "a source of sound waves" and "at least one sound wave guide." As described in claim 1, the sound wave guide is "adapted to transmit sound waves" from the source of sound waves to a location in the spa where the sound waves are audible to an occupant of the spa." [Emphasis added.] As described in the specification, and recited in dependent claim 40, the source of sound waves may be, for example, any electronic device that emits sound, for example, an audio speaker. As described in the specification, and recited in dependent claims 27 and 28, the sound wave guide may be a conduit, for example, a pipe or hose, through which sound waves may be transmitted.

It is clear from the recitation of claim 1 and from the description recited in the specification that the sound waves transmitted through the sound wave guide are conventional sound waves, for example, waves characterized by compression and attenuation of, for example, air in the wave guide. Contrary to the comments made by the Patent Office, the Applicant believes that it is clear that the sound wave guides do not comprise wires, cable, or any device for transmitting an electrical signal corresponding to a sound. According to one aspect of the invention, it is undesirable to use wires or cables carrying an electrical potential in or around a spa where such wires or cables can introduce a shock or electrocution hazard, or may be prone to damage from the humidity or harsh chemicals typically associated with spas and hot tubs. In the

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aspect of the invention recited in claim 1, and others, the wave guides are not electrical wires or cables.

#### Response to Comments in Office Action

In the paragraphs at the top of page 2 of the Action, the Patent Office rejected claims 21-23, 27, 29, 30, 33, and 35-37 under 35 U.S.C. 102(b) as anticipated by U.S. Patent 4,575,882 of Diamond (herein "Diamond"). For reasons that the Applicant believes are made clear by the description of the invention provided above, the Applicant believes that this rejection is inappropriate and requests that this rejection be reconsidered and withdrawn.

The Applicant's undersigned Agent typically refers to the MPEP for guidance for determining when an anticipation rejection is appropriate. For instance, MPEP § 2131 defines the conditions under which an anticipation rejection is appropriate:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim...

With respect to the rejection of claim 21, the Applicant submits that Diamond does not disclose "each and every element" as set forth in claim 21 and its dependents. In the Patent Office's comments, the electrical speaker wires of Diamond (unnumbered) are identified as "sound wave guides." As discussed above, in the aspect of the invention recited in claim 21, the sound wave guides are not electrical

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wires or cables. By this clear, unequivocal distinction alone, the invention of claim 21 and its dependents is not anticipated by Diamond. Again, the Applicant respectfully requests that this rejection be reconsidered and withdrawn.

The Applicant submits that rejections of claims 22, 23, and 27 are inappropriate for the same reasons the rejection of claim 21, from which they depend, is inappropriate. Moreover, certain claims dependent upon claim 21 include limitations that further distinguish from Diamond. For example, with respect to claim 27, the Patent Office identifies the insulation that surrounds the electrical wires of Diamond as a conduit through which sound waves can be transmitted. Clearly, since insulation typically encapsulates a solid metal core, the insulation on the wires of Diamond cannot provide a path for transmitting sound waves according to this aspect of the invention. The Applicant respectfully requests that this rejection be reconsidered and withdrawn.

With respect to the rejection of independent claims 29 and 35 as anticipated by Diamond, the Applicant submits that these rejections are inappropriate for the same reasons that the rejection of claim 21 was inappropriate. Again, the wires of Diamond do not comprise sound wave guides. The Applicant respectfully requests that these rejections and the rejections of their respective dependent claims also be reconsidered and withdrawn.

In the paragraphs at the bottom of page 2 of the Action, the Patent Office rejected claim 28 under 35 U.S.C. 103(a) as obvious in view of Diamond and U.S. Patent 5,687,246 of Lancon (herein "Lancon"). However, Lancon does not provide the teachings missing from Diamond and claim 28 is inappropriately rejected for the same reasons claims 21, 29, and 35 are inappropriately rejected. Moreover, it is unclear to the Applicant how the headrest of Lancon can be combined with the audio speaker system of Diamond to provide the invention recited in claim 28. The Applicant respectfully requests that this rejection be reconsidered and withdrawn.

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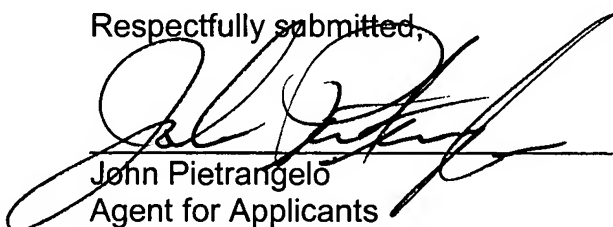
With respect to the withdrawal of claims 24-26, 32, and 38-40 (misidentified as 30-40) by the Patent Office, the Applicant submits that with allowance of, for example, claim 21, these claims should be rejoined pursuant to 37 CFR 1.141.

Since claim 34 was not discussed in the Office Action, the Applicant assumes that the subject matter of this claim is deemed allowable by the Patent Office.

The Applicant believes that the pending claims are in condition for allowance. An early and favorable action on the merits of the application is requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, the Applicant's undersigned Agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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